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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,227	08/24/2001	David Eugene Hirth	284-09555-US	4072
87884	7590	10/08/2010		
Mossman, Kumar and Tyler, PC			EXAMINER	
P.O. Box 421239			THOMPSON, KENNETH L	
Houston, TX 77242				
			ART UNIT	PAPER NUMBER
			3672	
			NOTIFICATION DATE	DELIVERY MODE
			10/08/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@mktlaw.us.com

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<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,227	HIRTH, DAVID EUGENE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth Thompson	3672	

  

**All Participants:**

(1) Kenneth Thompson.

(2) Steve Rosenblatt.

**Date of Interview:** 21 September 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

N/A

Claims discussed:

1-36

Prior art documents discussed:

N/A

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Kenneth Thompson/  
Primary Examiner, Art Unit 3672

**Status of Application:** Reissue claims allowed pending SPRE approval

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** \_\_\_\_\_

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's attorney and the examiner agreed to an examiner's amendment to the claims to show underlined and strikethrough of all limitations added or deleted. Please note attached claims.

Applicants's attorney and the examiner discussed whether the application is abandoned because a final rejection was issued on 2 February 2010. Applicants indicated that a response to the final rejection was made 12 April 2010 that addressed the only requirement, a supplemental declaration, in the final rejection barring allowance of the application. Applicants's attorney and the examiner discussed whether the reissue application was guilty of recapture. Applicant's attorney reminded the examiner that the issue was refuted in an Appeal Brief filed 8 August 2003 in response to a final rejection made by a previous examiner, now retired, that included a 35 USC 251 rejection of the new claims 21-36. Applicants stated that an examiner's answer was not received nor did the application proceed to the Board of Appeals and Interferences, and additionally; that the previous examiner re-opened prosecution without addressing the arguments traversing the recapture rejection. The current examiner reviewed the arguments and after further research agreed. Applicants attorney and the examiner agreed that no evidence supporting guilt of recapture has been presented nor is of record that would refute applicants arguments outlined in the Appeal Brief. Applicants attorney and the examiner discussed whether the error was improper. All agreed that the broadening reissue presented claims directed to the non-metallic landing collar or the apparatus for selective obstruction of a tubular by holding an object thereon as claimed.